

ASSEMBLY BILL

No. 2709

Introduced by Assembly Member Quirk

February 19, 2016

An act to amend, repeal, and add Section 653.1 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2709, as introduced, Quirk. Crimes: balloons.

Existing law makes it a crime to sell or distribute any balloon constructed of electrically conductive material and filled with a gas lighter than air without affixing an object of sufficient weight to the balloon or its appurtenance to counter the lift capability of the balloon, affixing a statement warning the consumer about the risk if the balloon comes in contact with power lines, and a printed identification of the manufacturer of the balloon. Existing law further prohibits selling or distributing two or more balloons that are constructed of electrically conductive material and filled with a gas lighter than air and attached to each other. Existing law additionally prohibits any person or group from releasing, outdoors, balloons made of electrically conductive material and filled with a gas lighter than air as part of a public or civic event, promotional activity, or product advertisement. Existing law makes a first and 2nd violation of these provisions punishable by a fine not to exceed \$100, and a 3rd or subsequent violation punishable as a misdemeanor.

This bill would, on January 1, 2018, remove these prohibitions and instead make it a crime to sell or distribute any balloon filled with a gas lighter than air that is attached to an electrically conductive material. The bill would make a first violation of this provision punishable by a

fine not to exceed \$250, and a 2nd or further violation punishable as a misdemeanor. The bill would additionally, on January 1, 2018, make it a crime to release, outdoors, balloons made of electrically conductive material and filled with a gas lighter than air, regardless of whether the outdoor release is part of a public or civic event, promotional activity, or product advertisement, add would make the crime punishable by a fine not to exceed \$250.

Because the bill would revise the definition of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 653.1 of the Penal Code is amended to
- 2 read:
- 3 653.1. (a) ~~No~~A person shall *not* sell or distribute any balloon
- 4 that is constructed of electrically conductive material, and filled
- 5 with a gas lighter than air without:
- 6 (1) Affixing an object of sufficient weight to the balloon or its
- 7 appurtenance to counter the lift capability of the balloon.
- 8 (2) Affixing a statement on the balloon, or ensuring that a
- 9 statement is so affixed, that warns the consumer about the risk if
- 10 the balloon comes in contact with electrical power lines.
- 11 (3) A printed identification of the manufacturer of the balloon.
- 12 (b) ~~No~~A person shall *not* sell or distribute any balloon filled
- 13 with a gas lighter than air that is attached to an electrically
- 14 conductive string, tether, streamer, or other electrically conductive
- 15 appurtenance.
- 16 (c) ~~No~~A person shall *not* sell or distribute any balloon that is
- 17 constructed of electrically conductive material and filled with a
- 18 gas lighter than air and that is attached to another balloon
- 19 constructed of electrically conductive material and filled with a
- 20 gas lighter than air.

1 (d) ~~No~~A person or group shall *not* release, outdoors, balloons
2 made of electrically conductive material and filled with a gas
3 lighter than air, as part of a public or civic event, promotional
4 activity, or product advertisement.

5 (e) Any person who violates subdivision (a), (b), (c), or (d) ~~shall~~
6 ~~be is~~ guilty of an infraction punishable by a fine not exceeding one
7 hundred dollars (\$100). Any person who violates subdivision (a),
8 (b), (c), or (d) who has been previously convicted twice of violating
9 subdivision (a), (b), (c), or (d) ~~shall be is~~ guilty of a misdemeanor.

10 (f) This section shall not apply to manned hot air balloons, or
11 to balloons used in governmental or scientific research projects.

12 (g) *This section shall remain in effect only until January 1, 2018,*
13 *and as of that date is repealed, unless a later enacted statute, that*
14 *is enacted before January 1, 2018, deletes or extends that date.*

15 SEC. 2. Section 653.1 is added to the Penal Code, to read:

16 653.1. (a) A person shall not sell or distribute any balloon
17 filled with a gas lighter than air that is attached to an electrically
18 conductive string, tether, streamer, or other electrically conductive
19 material.

20 (b) A person or group shall not release, outdoors, balloons made
21 of electrically conductive material and filled with a gas lighter
22 than air.

23 (c) Any person who violates subdivision (a) is guilty of an
24 infraction punishable by a fine not exceeding two hundred fifty
25 dollars (\$250). Any person who violates subdivision (a) who has
26 been previously convicted of violating subdivision (a) shall be
27 guilty of a misdemeanor.

28 (d) Any person who violates subdivision (b) is guilty of an
29 infraction punishable by a fine not exceeding two hundred fifty
30 dollars (\$250).

31 (e) This section shall not apply to manned hot air balloons, or
32 to balloons used in governmental or scientific research projects.

33 (f) This section shall become operative on January 1, 2018.

34 SEC. 3. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 the only costs that may be incurred by a local agency or school
37 district will be incurred because this act creates a new crime or
38 infraction, eliminates a crime or infraction, or changes the penalty
39 for a crime or infraction, within the meaning of Section 17556 of
40 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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